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Attorneys for Defendant  
EVALUESOFTWARE.COM, LLC

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

ADOBE SYSTEMS INCORPORATED, a  
Delaware Corporation,

Plaintiff,

v.

EVALUESOFTWARE.COM, LLC, a Nevada  
Limited Liability Company; JUSTIN CATES,  
an Individual; and DOES 1-10, Inclusive,

Defendants.

Case No.: CV13-04078 SI

**SECOND STIPULATED REQUEST TO  
RE-SCHEDULE CASE MANAGEMENT  
CONFERENCE AND ALL RELATED  
DATES INCLUDING DEFENDANTS'  
TIME IN WHICH TO RESPOND TO  
COMPLAINT**

Current CMC: February 28, 2014  
[Proposed] CMC: TBD

Honorable Susan Illston  
Courtroom 10

Plaintiff Adobe Systems Incorporated ("Plaintiff") and Defendant eValueSoftware.com, LLC ("eValueSoftware") (collectively, the "Parties"), by and through their respective counsel of record, hereby stipulate and agree as follows:

**RECITALS**

On December 6, 2013, the Parties filed a Stipulated Request to Re-schedule Case Management Conference and all Related Dates. Specifically, the Parties requested and agreed that the December 13, 2013, Case Management Conference (“CMC”) shall be taken off calendar and continued to a date to be determined by the Court (Document #18).

On December 9, 2013, the Court entered its Order (1) continuing the CMC date from December 13, 2013 to February 28, 2014 (Document #19), based upon good cause shown that the Parties were negotiating a Stipulated Preliminary Injunction that would prevent Defendant eValueSoftware and its representatives, including Justin Cates, from marketing, advertising, offering for sale, selling, and/or distributing any Adobe software and related products; and (2) extending the time for Defendants to respond to the Complaint.

On January 31, 2014, the Parties filed their Stipulation and [Proposed] Preliminary Injunction with the Court (Document #20).

On February 3, 2014, the Court granted the Parties’ Stipulation and entered the Preliminary Injunction against Defendants for a period of 120 days, up to and including June 4, 2014 (Document #21). Pursuant to paragraph 4 of the Preliminary Injunction Order, the parties were ordered to “endeavor to reach a settlement and full release of all claims during this interim period.”

On February 17, 2014, eValueSoftware disclosed all of its prior sales of Adobe related software for settlement purposes to Plaintiff. The Parties have agreed to conduct an inspection of eValueSoftware’s remaining Adobe software inventory and to participate in a settlement meeting with Parties and counsel to take place on Thursday, February 27, 2014, in the State of Utah in an effort to try and resolve this matter.

Good cause exists to re-schedule the CMC presently scheduled in this action on February 28, 2014, at 2:30 P.M. in Courtroom 10, 19<sup>th</sup> Floor, San Francisco, and all related dates, including Defendants’ time in which to respond to the Complaint, because the inspection of Defendants’ inventory and settlement meeting will be taking place out of state on the date prior to the currently scheduled CMC. Accordingly, the resources of the parties and the Court are best

1 conserved by the requested continuance, which does not prejudice the rights of any party and  
2 furthers the Parties' continued efforts and attempts at reaching a resolution to this matter.

3 **AGREEMENT**

4 1. Plaintiff and eValueSoftware agree that the presently set February 28, 2014 CMC  
5 shall be taken off calendar and continued to a date to be determined by the Court.

6 2. Defendants shall have until April 18, 2014, to file their responses to the  
7 Complaint, which may include motions to transfer and/or to dismiss the action. If the motions to  
8 transfer and dismiss are denied, Plaintiff and eValueSoftware agree that the CMC and all related  
9 dates shall be rescheduled for a date after the ruling on defendants' motions.

10  
11 DATED: February 20, 2014

JOHNSON & PHAM, LLP

12 By: /s/ Christopher Q. Pham  
13 Christopher Q. Pham, Esq.  
14 Attorneys for Plaintiff  
ADOBE SYSTEMS INCORPORATED

15 DATED: February 20, 2014

HEFFERNAN SEUBERT & FRENCH, LLP

16 By: /s/ William J. Frimel  
17 William J. Frimel, Esq.  
18 Attorneys for Defendant  
19 EVALUESOFTWARE.COM, LLC  
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**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Johnson & Pham 6355 Topanga Canyon Blvd., Suite 326, Woodland Hills, CA 91367. On February 21, 2014, I served the within document(s):

**SECOND STIPULATED REQUEST TO RE-SCHEDULE CASE  
MANAGEMENT CONFERENCE AND ALL RELATED  
DATES INCLUDING DEFENDANTS' TIME IN WHICH TO RESPOND TO  
COMPLAINT**

☐ FACSIMILE - by transmitting via facsimile the document(s) listed above to the fax number(s) set forth on the attached Telecommunications Cover Page(s) on this date before 5:00 p.m.

☒ MAIL - by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.

☐ PERSONAL SERVICE - by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

☐ CM/ECF - by electronically transmitting the document(s) listed above to:

**EVALUESOFTWARE.COM, LLC  
c/o Bill Frimel, Esq.  
bill@hsflp.com  
Heffernan Seubert & French, LLP  
1075 Curtis Street  
Menlo Park, CA 94025**

**JUSTIN CATES  
c/o Bill Frimel, Esq.  
bill@hsflp.com  
Heffernan Seubert & French, LLP  
1075 Curtis Street  
Menlo Park, CA 94025**

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 21, 2014, at Woodland Hills, California.

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Evelyn Ruano

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12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
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15 ADOBE SYSTEMS INCORPORATED, a  
16 Delaware Corporation,

17 Plaintiff,

18 v.

19 EVALUESOFTWARE.COM, LLC, a Nevada  
20 Limited Liability Company; JUSTIN CATES,  
an Individual; and DOES 1-10, Inclusive,

21 Defendants.  
22

Case No.: CV13-04078 SI

**[PROPOSED] ORDER GRANTING  
SECOND STIPULATED REQUEST TO  
RE-SCHEDULE CASE MANAGEMENT  
CONFERENCE AND CONTINUE TIME  
FOR DEFENDANTS' RESPONSIVE  
PLEADINGS**

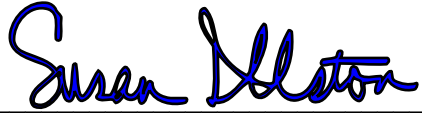
Current CMC: February 28, 2014  
[Proposed] CMC: TBD

Honorable Susan Illston  
Courtroom 10

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25 The Court, having read and considered the Second Stipulated Request to Re-Schedule  
26 Case Management Conference and Continue Time for Defendants' Responsive Pleading filed by  
27 Plaintiff Adobe Systems Incorporated ("Plaintiff") and Defendant eVauleSoftware.com, LLC  
28 ("eValueSoftware"), and good cause being found, hereby GRANTS the stipulated request.

1 IT IS HEREBY ORDERED that the Case Management Conference presently scheduled  
2 on February 28, 2014, shall be continued to a date to be determined by the Court and Defendants  
3 shall have until and including April 18, 2014, to respond to the Complaint.

4  
5 DATED: February 25, 2014

6 By:   
7 Honorable Susan Illston  
8 United States District Court Judge  
9 Northern District of California

10 The Initial Case Management Conference has been continued to Friday, May 23, 2014,  
11 at 2:30 p.m. A joint statement shall be filed one week prior to the conference.  
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**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Johnson & Pham 6355 Topanga Canyon Blvd., Suite 326, Woodland Hills, CA 91367. On February 21, 2014, I served the within document(s):

**[PROPOSED] ORDER GRANTING SECOND STIPULATED REQUEST  
TO RE-SCHEDULE CASE MANAGEMENT CONFERENCE AND  
CONTINUE TIME FOR DEFENDANTS' RESPONSIVE  
PLEADINGS**

☐ FACSIMILE - by transmitting via facsimile the document(s) listed above to the fax number(s) set forth on the attached Telecommunications Cover Page(s) on this date before 5:00 p.m.

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I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 21, 2014, at Woodland Hills, California.

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Evelyn Ruano